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Express Mail Label No. EV 336 040 954 US

Attorney Docket No. 55525-8055.US00



PATENT *117*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF: SYDNEY BRENNER

APPLICATION No.: 09/934,020

FILED: August 21, 2001

FOR: **POLYMORPHIC DNA FRAGMENTS AND USES
THEREOF**

EXAMINER: TRAN, MY CHAU T.

ART UNIT: 1639

CONFIRMATION No. 7541

RECEIVED

OCT 14 2004

**Petition to Revive Unintentionally Abandoned
Application under 37 CFR §1.137(b)**

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which apparently became abandoned on July 20, 2004 for failure to file a response to the Office Action mailed October 20, 2003.
2. Reply Under 37 CFR §1.137(b)(1)
Enclosed herewith is a reply to the Office Action.
3. Fee Under 37 CFR §1.137(b)(2)
Enclosed are two checks totaling \$685.00 for the fee under 37 CFR 1.17(m).
4. Statement Under 37 CFR §1.137(b)(3)
The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

10/13/2004 HALI11 00000006 09934020

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685.00 OP

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☒ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed July 27, 2004. Under current USPTO practice, further information regarding the abandonment is not required.
- ☐ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by _____ explaining how the abandonment occurred and how it was unintentional.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by _____ explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

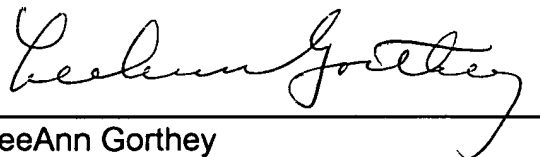
6. Terminal Disclaimer under 37 CFR §1.137(b)(4) and (c)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2207.

Respectfully submitted,

Date: 10-8-04LeeAnn Gorthey
Registration No. 37,337**Correspondence Address:**Customer No. 22918
(650) 838-4403

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Attorney Docket No. 55525-8055.US00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Sydney Brenner

SERIAL No.: 09/934,020

FILED: August 21, 2001

FOR: **POLYMORPHIC DNA FRAGMENTS AND USES THEREOF**

EXAMINER: Tran, My Chau T.

ART UNIT: 1639

CONFIRMATION No. 7541

Transmittal of Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b) and Response

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

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OFFICE OF PETITIONS

In response to the Office Action dated October 20, 2003, applicant herewith submits the following:

- ☒ A Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b)
- ☒ A Response to the Office Action dated October 20, 2003.
- ☒ A Sequence Listing, diskette and matching declaration
- ☒ Two checks totaling \$685.00 for the petition fee due.

- ☒ The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees necessary for consideration of the above-referenced papers to Deposit Account No. 50-2207.

Respectfully submitted,
PERKINS COIE LLP

A handwritten signature in cursive script, appearing to read "LeeAnn Gorthey".

LeeAnn Gorthey
Registration No. 37,337

Date: 10-8-04

Correspondence Address:

Customer No. 22918

Phone: 650 838-4403